IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1715 OF 2005

Anil Agarwal .. Petitioner

V/s

Union of India & Ors. .. Respondents

Mrs.Krishna Sharma for the Petitioner.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH FEBRUARY 2006

P.C. :

1. Heard Mrs.Sharma in support of this petition.

2. The Petitioner's vehicle met with an accident and according to the Petitioner, repair charges had to be incurred to the tune of Rs.41,558/-. The Petitioner's vehicle was insured with Respondent No.2 Insurance Company. Respondent No.2 agreed to pay an amount of Rs.28,169/- only. However, they have asked the Petitioner to give a receipt in full and final settlement which the Petitioner is not agreed. According to the Petitioner, such an insistence is illegal and therefore this petition is filed.

3. We do not see any infirmity on the part of Respondent No.2 in insisting on the receipt, if,

according to them, the amount of Rs.28,169/- is a correct amount due and payable. This being the position, it will be open to the Petitioner to take appropriate proceedings before the appropriate forum either to claim the entire amount of Rs.41,558/- or Rs.28,169/- if the Petitioner is inclined to restrict his claim to that. The present petition is not the correct remedy. Petition is dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)